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12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF NEVADA**

14 Case No. 3:16-cv-0268-LRH-WGC

15 BATTLE MOUNTAIN BAND OF THE TE-MOAK
16 TRIBE OF WESTERN SHOSHONE INDIANS,

17 *Plaintiff,*

18 v.

19 UNITED STATES BUREAU OF LAND
20 MANAGEMENT and JILL C. SILVEY, in official
21 capacity as Bureau of Land Management Elko District
22 Manager,

22 *Defendant.*
23 _____/

ORDER ON

**UNOPPOSED MOTION FOR
EXTENSION OF TIME TO
RESPOND TO
DEFENDANT/COUNTER-
CLAIMANT CARLIN
RESOURCES, LLC'S
COUNTERCLAIMS**

24 COMES NOW, Plaintiff, the Battle Mountain Band of the Te-Moak Tribe of Western
25 Shoshone Indians, (hereinafter the "Band"), and hereby requests the Court enter an order for extension
26 of time of 14 days from September 1, 2016, to and including September 15, 2016, in which to file its
27 response to Defendant/Counter-Claimant Carlin Resources, LLC's ("Carlin") Counterclaims. In
28 support of this motion the Band states as follows:

1 1. Carlin filed their Answer and Counterclaim for Declaratory Judgment on August 11,
2 2016. Pursuant to Fed. R. Civ. P. Rule 12(a)(1)(B), a party must serve an answer to a counterclaim or
3 crossclaim within 21 days after being served with the pleading that states the counterclaim or
4 crossclaim. Therefore, the Band's responsive pleading is due on September 1, 2016.

5 2. The Band has two partners assigned to this responsive pleading, Mr. Wilson and Mr.
6 Rasmussen.

7 3. The Band anticipates filing a Rule 12(b) motion to dismiss and brief in support.

8 4. Mr. Rasmussen is scheduled to attend a preliminary injunction hearing in another
9 matter on September 1, 2016, that is being held in the Western District of North Dakota. In that matter,
10 he is representing the defendant, and so did not have substantial control over the scheduling of the
11 matter, and has spent most of the past week on the motion for TRO and then the preliminary injunction
12 hearing.
13

14 5. Mr. Wilson has two filing deadlines scheduled today, August 31, 2016, in tribal courts.

15 6. In light of the foregoing, the Band respectfully submits that an enlargement of time, to
16 and including September 15, 2016, is warranted under Fed. R. Civ. P. Rule 6(b)(1)(A).
17

18 7. This is the first extension that the Band has requested for this deadline.

19 8. Counsel for the Band has conferred with counsel for Carlin, as well as counsel for the
20 Bureau of Land Management and Jill Silvey (together "BLM") regarding the relief requested in this
21 motion. Carlin does not oppose this motion. BLM does not oppose this motion.
22

23 WHEREFORE, Plaintiff, the Battle Mountain Band of the Te-Moak Tribe of Western
24 Shoshone Indians, requests the Court grant the extension of time of 14 days, to and including
25 September 15, 2016, in which to file their responsive pleading to Defendant/Counter-Claimant Carlin
26 Resources, LLC's Counterclaims.
27

28 **Respectfully submitted this 31th day of August, 2016.**

FREDERICKS PEEBLES & MORGAN, LLP

/s/ Jeffrey S. Rasmussen

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ORDER

IT IS SO ORDERED.

Walter G. Cobb

UNITED STATES MAGISTRATE JUDGE

DATED: September 6, 2016.